



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 656-00

11 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 25 February 1981. Your record reflects that on 10 July 1981 you received nonjudicial punishment (NJP) for four periods of absence from your appointed place of duty and were awarded restriction for 30 days. Approximately six months later, on 21 January 1982, you received NJP for failure to obey a lawful order by being in a space where marijuana was being used. The punishment imposed was restriction for 45 days, extra duty for three months, and \$500 forfeiture of pay. A portion of the restriction and forfeitures was suspended.

Your record further reflects that on 24 May 1984 you received your third NJP for wrongful use of marijuana, a 20 day period of unauthorized absence (UA), missing the movement of your ship, and possession of drug paraphernalia. The punishment imposed was restriction and extra duty for 45 days, \$600 in forfeitures of pay, and reduction to paygrade E-3.

Subsequently, you were processed for an administrative separation by reason of misconduct due to drug abuse/use. You elected to

waive the rights to consult with counsel and present your case to an administrative board. The discharge authority directed your commanding officer to issue you an other than honorable discharge and on 11 July 1984 you were so discharged.

The Board, in its review of your entire record and application considered all mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded based in part on the 3 years and 6 months you served and your good post service conduct. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the frequency of your misconduct and especially your drug related offenses. Given all the circumstances of your case the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director